

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

|                                |   |                        |
|--------------------------------|---|------------------------|
| Johnnie L. Johnson, #253526    | ) | C/A No.: 0:08-2071-GRA |
|                                | ) |                        |
| Petitioner,                    | ) |                        |
|                                | ) | <b>ORDER</b>           |
| v.                             | ) | (Written Opinion)      |
|                                | ) |                        |
| Acting Warden Leroy Cartledge, | ) |                        |
|                                | ) |                        |
| Respondent.                    | ) |                        |
|                                | ) |                        |

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This matter comes before the Court on the plaintiff's motion for an extension of time to file objections to the magistrate's Report and Recommendation. Magistrate Judge Gossett filed a Report and Recommendation on July 14, 2009. The plaintiff prays for an extension of time so he can research, write, and file objections to the magistrate's Report and Recommendation. He states that due to a prison lock down, he has had limited access to the law library and legal material.

Petitioner brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leake*, 574 F.2d 1147, 1151 (4th Cir. 1978). Therefore, this Court will liberally construe any pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, this Court may grant the petitioner an extension of time to file a responsive motion for good cause shown. He argues that an extension is necessary because he does not have adequate access to the law library and legal materials. When Petitioner received the Report and Recommendation, he timely filed this motion for extension. This Court finds that the petitioner has shown good cause for an extension. Therefore, this Court will grant his motion for an extension of time.

This Court will give the petitioner until August 12, 2009 to file his objections. In order to file his objections, the petitioner need only hand them to the mailing facility at his prison. *See Houston v. Lack*, 487 U.S. 266 (1988). If the petitioner files his objections beyond August 12, 2009, this Court will consider them untimely.

IT IS THEREFORE ORDERED THAT the petitioner's motion be GRANTED and that his period to file objections to the magistrate's Report and Recommendation shall be extended until August 12, 2009.

IT IS SO ORDERED.



G. Ross Anderson, Jr.  
Senior United States District Judge

July 30, 2009  
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Petitioner has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**